



CHAP. cxxxvii.

An Act to enable the Severn and Wye Railway and Canal Company to improve and extend their undertaking; and for other purposes with relation to the same company. A.D. 1869.
[26th July 1869.]

WHEREAS by an Act passed in the year 1809 the Severn and Wye Railway and Canal Company (who are herein-after referred to as "the company") were incorporated, by the name and style of "The Lydney and Lidbrook Railway Company," for the purpose of making a railway or tramroad from the river Wye at Lidbrook, through the Forest of Dean, to Lydney on the Severn, with various branches to serve the collieries in the Forest of Dean; and by an Act passed in the year 1810 the name of the company was changed to that which they now bear, and they were authorized to make a basin and canal to communicate with the river Severn:

And whereas the powers of the company were enlarged by Acts passed in the years 1811, 1814, and 1822; and by the Severn and Wye Railway and Canal Act, 1853, further powers were given to the company for the improvement of their undertaking (section 3), the tolls upon their tramways were reduced (section 24), and they were authorized to raise by shares an additional capital of 30,000*l.* (section 15), and to have outstanding on mortgage or bond a sum not exceeding 50,000*l.* (section 20):

And whereas, in pursuance of the powers contained in the said Act of 1853, the company have raised by shares, and have expended upon their undertaking, the said sum of 30,000*l.*, but of the said sum which they were authorized to raise by mortgage there remains a sum of 23,187*l.*, which the company have still powers to borrow:

And whereas, with a view to the further improvement of their undertaking, the company obtained from the Board of Trade a

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A.D. 1869. certificate, dated 10th April 1868, enabling them to raise a sum of 38,000*l.* by the creation of new ordinary or new preference shares, and, subject to the restrictions contained in the said certificate, they were authorized, in addition to any powers of borrowing which they still had, to borrow 12,600*l.*, but the company have not exercised the powers granted to them by the said certificate :

And whereas the introduction of broad-gauge railways into the Forest of Dean has rendered it necessary for the company to lay down a broad-gauge railway upon that part of their undertaking which lies between the South Wales Railway at Lydney and Wimblow Slade ; and it is expedient that they should be authorized from time to time to convert their tramways into railways, and to extend their railway to the northern part of the Forest, and that they should improve the line of a portion of their tramway, and convert it into a railway, and that the other powers herein-after contained should be granted to the company with respect to their undertaking :

And whereas in the said first-recited Act provisions are contained (section 65) reserving to certain of the tenants of the Right Honourable Charles Bathurst privileges with respect to the payment of tolls, and certain other rights and privileges are reserved to the said tenants by the 14th section of the recited Act of 1810, which privileges are continued by the 35th section of "The Severn and Wye Railway and Canal Act, 1853 :

And whereas the undertaking of the company near Lydney is crossed by the South Wales Railway of the Great Western Railway Company, and it is expedient that the powers herein-after contained should be given to the two companies with respect to the use of their respective lands, buildings, and works :

And whereas plans and sections showing the lines and levels of the new lines of railway and works authorized to be constructed under the powers of this Act, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes of the said new lines of railway and works, have been deposited with the clerk of the peace for Gloucestershire, and are herein-after respectively referred to as the deposited plans, sections, and books of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

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and Commons, in this present Parliament assembled, and by the A.D. 1869.
authority of the same, as follows; (that is to say,)

1. This Act may be cited for all purposes as "The Severn and Wye Railway and Canal Act, 1869." Short title.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. of "The Railways Clauses Act, 1863," (relating to construction of a railway,) are (except when expressly varied by this Act) incorporated with and form part of this Act. General Acts herein named incorporated.

3. In this Act the several words and expressions to which, by the Acts wholly or partially incorporated with this Act, meanings are assigned, have the same respective meanings, unless there be in the subject or context something repugnant to such construction; the words "the company" mean the Severn and Wye Railway and Canal Company; the expression "the railways" or "the railways of the company" means and includes the railways authorized to be constructed by this Act, and the railway between Lydney and Wimblow Slade already constructed by the company; and the expression "superior courts," or "court of competent jurisdiction," or other like expression in this Act, or any Act incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute. Interpretation of terms.

4. Subject to the provisions of this Act, and of the Acts wholly or partially incorporated herewith, the company may make and maintain the following works in the line and according to the levels shown on the deposited plans and sections, and may enter upon, take, and use such of the lands delineated on the said plans, and described in the deposited books of reference, as may be required for those purposes: Power to execute works according to deposited plans.

1. A railway, about six miles in length, commencing at or near the termination of the existing tramway of the company near the Wellington Colliery in the township of West Dean, passing northward near the Light Moor, the Crab Tree Hill, and the Trafalgar Collieries, and terminating by a junction with the railway of the company at or near the spot where the Wimblow Slade branch joins the said railway at or near the boundary between the townships of West Dean and of East Dean:

2. A branch railway, about seven furlongs and a half in length, in the township of East Dean, diverging from the last-men-

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tioned proposed railway at or near the north-west corner of Crump Meadow enclosure, and terminating by a junction with the Forest of Dean branch of the Great Western Railway Company at or near the junction with the said last-mentioned railway of the broad-gauge branch railways, communicating with the Crump Meadow and Crab Tree Hill Collieries :

3. A railway, numbered 4 on the deposited plans, sections, and books of reference, about two miles and five furlongs in length, in substitution for their existing tramway between Whitecroft and the Wellington Colliery; such new line of railway to commence at or near the point where the branch to Moseley Green joins the main line of the said company, and to terminate at or near Wellington Colliery aforesaid :

Together with all needful works, stations, approaches, and conveniences connected therewith.

All the foregoing works will be situate in the townships of West Dean and East Dean, and in the parish of Newland, in Gloucestershire.

As to sidings
of Great
Western
Railway at
Bilson.

5. If, in consequence of the construction of railway No. 2, the sidings of the Great Western Company at Bilson shall be injuriously interfered with, or any part thereof removed, the company shall, at their own expense, construct such additional siding and such other accommodation as may be necessary to give the Great Western Company equal and as convenient siding accommodation and facilities for traffic at that place as they now possess; and such facilities and accommodation shall be constructed to the satisfaction of the engineer for the time being of the Great Western Company, and before the opening of railway No. 2 for traffic; and in the event of any difference as to any of the matters aforesaid the same shall from time to time be determined by the arbitration of an engineer to be appointed by the Board of Trade on the application of either party.

As to aban-
donment of
tramways.

6. The company may abandon from time to time, and at their discretion, their existing tramway, or any parts thereof, after there shall have been substituted for the same, to the satisfaction of the gaveller of Dean Forest for the time being, to be signified by some writing under his hand, a railway under the powers of this Act and subject to the conditions herein-after contained, and the lands of the company in or upon which the portions of tramroad so abandoned are placed shall be deemed to be superfluous lands within the meaning of "The Lands Clauses Consolidation Act, 1845:" Provided that nothing in this enactment contained shall give to the com-

pany any higher or other interest in the said lands than they now possess. A.D. 1869.

7. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the company may, in constructing and maintaining the before-mentioned railways, carry the same with a single line of railway only whilst the railway shall consist of a single line, and afterwards with a double line of railway only, across and on the level of the roads next herein-after mentioned; that is to say,

Power to cross certain roads on the level.

Railway No. 3, a public road in the township of West Dean, numbered 13 on the deposited plans with respect to the railway numbered 4 on the said plans :

A turnpike road at Lydney in the parish of Lydney :

A turnpike road at Park End in the township of West Dean, leading from Purton to Park End :

A turnpike road at Park End in the township of West Dean, leading from Blakeney to Park End :

A turnpike road at Cannop in the townships of East Dean and West Dean, or one of them :

A public road at Whitecroft in the township of West Dean :

And the company shall adopt such method of crossing roads (other than public carriage ways), rides, and footpaths in the Forest of Dean, whether by bridges over or under the same respectively, or by level crossings, as may be required by Her Majesty's principal gaveller in the Forest of Dean: Provided nevertheless, that if the company shall object to any particular method of crossing so prescribed, the matter shall be referred to the arbitration of an engineer to be appointed by the president of the Institute of Civil Engineers, whose decision shall be final.

8. The company shall construct and maintain a bridle road alongside their railway between Whitecroft and Park End, provided that the necessary land for the purpose be granted to them by the Commissioners for the time being of Her Majesty's Woods, Forests, and Land Revenues.

Providing for road between Whitecroft and Park End.

9. The said railways may be constructed upon the broad gauge so as to be adapted for the interchange of waggons and trucks with the Great Western Railway, or any other railway in or near the Forest of Dean constructed upon that gauge; and if the Great Western Railway, or any such other railway, shall be hereafter

As to gauge of railways.

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As to conversion of tramways into railways.

10. The company may from time to time convert the whole or any part of their tramways into railways on the broad or narrow or mixed gauge as aforesaid, or they may substitute such railways for their tramways: Provided that there shall be always maintained a continuous communication on the same gauge, either by tramway or by railway, along the various existing lines and branches of the Severn and Wye Railway to the basin and outer harbour of Lydney, and that for that purpose the tramway of the company shall be continued concurrently with the railway as a means of communication between the said basin and outer harbour, on the one hand, and those collieries, mines, works, and places, on the other hand, the said lines and branch tramways to which shall not have been converted into railways.

For the protection of the crossing of the South Wales Railway at Lydney.

11. Before the opening for public traffic of a broad-gauge railway across the South Wales Railway to the Lydney basin or outer harbour at Lydney, the company shall, jointly with the Great Western Company, if required to do so by that company, establish a sufficient system of signals and other arrangements for the protection of the crossing of the South Wales Railway, and for the safety of the public using that railway, and the traffic thereon; and all the expenses of or connected with such signals and arrangements, and the working and carrying out of the same, shall be defrayed by the company and the Great Western Company in equal moieties; and in the event of any difference arising between the company and the Great Western Company as to the matters aforesaid, or any of them, the same shall be determined by arbitration in the manner provided for the settlement of disputes by arbitration by "The Railway Companies Arbitration Act, 1859."

Providing for construction of railway to Lydney Harbour.

12. The company shall, before the expiration of five years from the passing of this Act, construct a railway on such gauge as aforesaid between the South Wales Railway at Lydney and Lydney basin and outer harbour, either in substitution for their existing tramway, if the said tramway shall have been superseded on their undertaking, or in addition to the said tramway, and the company shall also from time to time construct and maintain such sidings and shipping staiths connected with the said basin and outer harbour

as may be necessary for the accommodation and shipping of the produce of the Forest of Dean resorting to the said basin and outer harbour; and in case any question shall arise as to any matter provided for by this section, every such question shall be settled by a referee to be appointed by the president for the time being of the Institute of Civil Engineers. A.D. 1869.

13. All works to be executed by the company under the powers of this Act within the Forest of Dean shall be done to the satisfaction of the Commissioners for the time being of Her Majesty's Woods, Forests, and Land Revenues, or one of them; and if any difference shall arise between the company and the commissioners as to any requirement of the commissioners under this section, every such difference shall from time to time be referred to an engineer to be appointed by the president for the time being of the Institute of Civil Engineers, if the commissioners and the company cannot agree upon a referee. Works to be executed to satisfaction of First Commissioner of Woods.

14. The site of any tramway or railway which may have ceased to be worked by the company, and also all other land within the ambit of Dean Forest not actually required and used by the company for the purposes of their works, shall thereupon revert to Her Majesty, Her heirs and successors, freed and discharged from all estates, rights, and interests of the company, and proper abatement shall be made from any rent payable by the company to the Crown for the land which shall have so reverted to Her Majesty as aforesaid; and in case any question shall arise as to whether any such tramway or railway has ceased to be worked, or whether any such land is actually required and used by the company for the purposes of their works, or as to the amount of the abatement of rent to be made as aforesaid, then every such question shall be referred to a surveyor to be named by the President of the Board of Trade for the time being, and the decision of such surveyor shall be final, and the charges of every such surveyor shall be paid as he may direct. Site of any abandoned tramway to revert to the Crown.

15. The railways shall be so constructed as to cross by means of bridges or tunnels, leaving in every case a headway of not less than fifteen feet over or under (1) the turnpike road between Cinderford and Coleford, and (2) the broad-gauge tramway from the Foxes Bridge Colliery to the Churchway branch of the South Wales Railway, and the mode in which the railways of the company shall be constructed across the broad-gauge tramway leading from the new Fancy Colliery to the Forest of Dean Central Railway shall be such as shall be approved by the gaveller of Dean Forest for the time being; and in case of difference such mode of construction Providing for certain crossings.

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Act not to affect powers of Commissioners of Woods to grant licences for tramways.

16. Nothing contained in this Act, or to be done under the authority thereof, shall (except as in this section provided) affect the powers of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, under any existing Act of Parliament, to grant any leases or licences of or for the construction of any railway or tramroad in Dean Forest; and it shall be lawful for the grantees under any such leases or licences to make and use such junctions, crossings by means of bridges or tunnels, and other communications from or to, over or under, or with the railways 1 and 2 hereby authorized to or from or with any present or future railway or tramroad constructed or to be constructed under any such leases or licences as aforesaid, as the Commissioners of Woods, Forests, and Land Revenues, or either of them, may sanction in writing, giving in every case one calendar month's previous notice in writing to the company; and in case any dispute shall arise as to any of the matters in this section provided for, every such dispute shall be referred to some engineer to be appointed by the president for the time being of the Board of Trade, and the decision of such engineer shall be final, and the charges of every such engineer shall be borne as he may direct: Provided always, that no such crossing shall be made under the authority of this section except for the purpose of communicating with any line of railway already constructed or authorized by Parliament.

Power for Commissioners of Woods to grant lease to company for 999 years.

17. The Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, may, if they or he shall so think fit, and with the previous consent of the Commissioners of Her Majesty's Treasury for the time being, demise and lease to the company such land belonging to Her Majesty as may be required for the purposes of the works of the company, for such term, not exceeding 999 years, at such rent, and subject to such covenants and conditions, as may be agreed upon; and in addition to the rent to be reserved by such lease, the company shall pay to the Crown the value of all timber or other trees on the land to be demised, and the costs of and incident to such lease shall be paid by the company.

Application of funds.

18. It shall be lawful for the company to apply towards the construction of the works authorized by this Act any of the monies which by the said Act of 1853 they were authorized to raise by loan, and also the capital which they are authorized by the Board of Trade certificate of the 10th April 1868 to raise by shares and by loan, but subject to the conditions contained in the said certificate,

especially with respect to maintaining the priority of existing mortgages. A.D. 1869.

19. The quantity of land to be taken by the company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed five acres. Lands for extraordinary purposes.

20. The powers of the company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act. Powers for compulsory purchases limited.

21. The railways hereby authorized to be constructed shall be completed within five years from the passing of this Act; and if the railways shall not be completed within that period, then on the expiration thereof the powers of this Act granted to the company for making and completing the railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed. Period for completion of works.

22. If the company fail within the period limited by this Act to complete the railways herein-before numbered 1, 2, and 4 respectively, the company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said railways are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the works; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the third section of the Act seventeenth and eighteenth Victoria, chapter thirty-one, known as "The Railway and Canal Traffic Act, 1854;" and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in the said third section of the Act seventeenth and eighteenth Victoria, chapter thirty-one, to an account opened or to be opened, in the name and with the privity of the Accountant General of the Court of Chancery in England, in the bank named in such order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the company was prevented from completing or opening such railways by unforeseen accident or circumstances beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control. Penalty if railways not made within time limited.

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Application
of monies
recovered by
way of
penalty.

23. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said railways, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall be paid to the company from whom such penalty was recovered.

As to rail-
way between
Lydney and
Wimblow
Slade.

24. The portion of railway constructed by the company upon the broad gauge between Lydney and Wimblow Slade is hereby authorized, and shall be deemed to be in all respects a portion of the railways of the company as fully as though it had been constructed under the powers of this Act.

Company to
supply
locomotive
power.

25. The company shall run at least one train each way every day except Sunday, and shall supply sufficient locomotive power for the conveyance of minerals and other matters upon their railways, but shall not be required to find waggons or trucks, and shall also, after due notice shall have been given to them that a load of at least eighty tons is in readiness, convey all merchandise, articles, empty waggons, trucks, and other matters upon and along their railways; and no other engines but those of the company shall, unless with the previous consent in writing of the company, be admitted upon their railways.

Tolls.

26. The company may demand and take for the conveyance of minerals, goods, and merchandise on their railways, tolls, dues, and charges not exceeding the following; and the said tolls, dues, and charges shall include the charge for locomotive power, but shall not include the charge for waggons or trucks:

- (1.) For all coals, coke, culm, patent fuel, charcoal, and cinders, all lime and limestone, all stone being the produce of the Forest, all pitwood and cordwood, all bricks, tiles, slates,

ironstone and iron ore, and all other ores and minerals, pig iron, all undressed materials for the repair of public roads and highways, clay, sand, and manure of all kinds, twopence per ton per mile: Provided that if the said articles are conveyed for a greater distance than six miles the company shall only charge at the rate of one penny per ton per mile for every mile beyond six miles:

(2.) For all bar iron, rod iron, hoop iron, and all similar descriptions of wrought iron and ordinary iron castings, timber, bark, grain and flour, offals, oil cake, potatoes, hay, straw, farina, alkali (carried in bulk), threepence per ton per mile:

(3.) For all other merchandise, fourpence per ton per mile:

(4.) For articles conveyed on the railway for a less distance than six miles the company may demand tolls and charges as for six miles: Provided that for articles conveyed on the railways of the company from one point to another within the townships of East Dean and of West Dean, and in the parish of Newland, all, any, or either of them, for a less distance than six miles, the company may charge such a sum as may be mutually agreed upon between the freighter and the company, or, in case of difference, such a sum as a referee to be selected by the company and the freighter shall under the circumstances of each case award, and in the event of the company and freighter failing to select a referee, then such a sum as a referee to be nominated by the Board of Trade on the application of the company or freighter shall award, the expenses of any such referee to be borne and paid equally by the company and freighter: Provided nevertheless, that as respects all articles conveyed on the railways of the company from one point to another within the said townships and parish, all, any, or either of them, for six miles and upwards, the same shall be liable to the like tolls and charges as articles of the same description conveyed for six miles and upwards into or out of the aforesaid townships and parish, all, any, or either of them:

(5.) For a fraction of a mile beyond six miles or any greater number of miles the company may demand tolls on merchandise for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile:

(6.) For articles which have not been conveyed on any other part of the railways of the company, and which shall be conveyed

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on the railway or on any part of the railway which the company are hereby required to construct between the South Wales Railway at Lydney and the outer harbour of Lydney, sixpence per ton :

(7.) For all coal brought for shipment to the basin or outer harbour of Lydney on their tramways, the company shall not make any higher charges for the use of their existing tramways and for wharfage than are set forth in the schedule to this Act.

Until the existing tramways of the company are abandoned, in calculating the distance travelled by any articles, where the same pass partly over the existing tramways of the company and partly over their railways, such distance shall be reckoned and treated as if the said articles had travelled wholly over the said railways. Except as herein-before provided, the tolls, dues, and charges which the company are authorized by their existing Acts to levy upon their tramways shall continue until the abandonment of such tramways.

Regulations
as to tolls,
&c.

27. The following provisions and regulations shall be applicable to the fixing of the before-mentioned tolls, dues, and charges ; (that is to say,)

For a fraction of a ton the company may demand toll according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton :

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight :

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so on in proportion for any smaller quantity.

Company
may take
increased
charges by
agreement.

28. Nothing herein contained shall be held to prevent the company from taking any increased charge, over and above the charges herein-before limited, for the conveyance of goods of any description, by agreement with the owners of or persons in charge of such goods, by reason of any special service performed by the said company in relation thereto.

Rates for use
of cranes,
sidings,
wharfs, &c.

29. Notwithstanding anything contained in the previous Acts relating to the company, the following and no other charges may be levied by the company in respect of the matters herein-after mentioned ; namely,

For the use of cranes, drops, staiths, and weighing machines erected by the company, the rates and sums following; viz.,

(A.) For all coal, coke, culm, patent fuel, charcoal, and cinders, lime and limestone, pitwood and cordwood, bricks, ironstone and iron ore, and all other ores and minerals, pig iron, all undressed materials for the repair of public roads and highways, clay, sand, and manure of all kinds, if the said matters and things have been or shall be conveyed on the railways of the company, and have or shall become liable to the payment of not less than one shilling per ton for the use of the same, or have been conveyed on the railways of the company between the outer harbour of Lydney and the South Wales Railway, one penny per ton :

(B.) For all other matters and things the company may charge such rates and sums of money as may be from time to time agreed on between the parties using the same and the company, or as may be usual and reasonable :

(C.) The company shall not charge any sum for the use of any weighing machine used for the purpose of ascertaining any toll payable to the company :

(D.) For the use and occupation of any sidings for any of the articles herein-before enumerated for the first three days no charge shall be made by the company; for any space of time beyond three days the company may charge at the rate of one penny per ton, and for every day beyond seven days after notice from the company the company may charge at the rate of sixpence per ton for each day during which the sidings shall be occupied; provided that such use and occupation shall not have arisen from any neglect or default on the part of the company :

(E.) For the use of wharfs the company may charge on all the matters and things herein-before enumerated at the rate of one penny per ton :

(F.) For trows and other vessels entering the said outer harbour, or going along the canal of the company or into the said basin, not exceeding the following; (that is to say,)

For vessels capable of carrying not exceeding 30 tons, without reference to their registered tonnage, three shillings :

For vessels exceeding 30 tons and not exceeding 44 tons, four shillings :

For vessels exceeding 44 tons and not exceeding 50 tons, four shillings and sixpence :

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For vessels exceeding 50 tons and not exceeding 80 tons, five shillings :

For vessels exceeding 80 tons and not exceeding 100 tons, six shillings :

For vessels above 100 tons, seven shillings and sixpence :

Provided that no charge shall be made under the authority of this section, excepting for sidings, in respect of coals and other articles passing from the railways of the company to the South Wales Railway.

Reserving rights of certain lessees of Mr. Bathurst.

30. Nothing in this Act contained shall, during the continuance of the existing lease on which the collieries of the Reverend William Hiley Bathurst, situate in the said parish of Lydney, are now held, authorize or sanction the removal of or interference with the tramways of the company now existing from the said collieries to the canal and basin of the company, or in any way alter or abridge the rights and privileges of using the said tramways, canal, and basin, as now enjoyed by the tenants of the said collieries under the existing Acts of the company.

As to hours of meeting.

31. Notwithstanding anything contained in the forty-ninth section of the said first-recited Act, the hours for the general assemblies of the company shall be from time to time fixed at such times as the board of directors shall determine.

As to contracts with the Great Western Railway Company.

32. The company and the Great Western Railway Company may from time to time enter into agreements with respect to the use of land and buildings and works belonging to the two companies respectively at and near the place of contact of their two railways at Lydney, and the two companies may exchange, either temporarily or permanently, such land and buildings and works, and may grant leases thereof to one another.

Saving the rights of the Crown.

33. Nothing whatsoever contained in this Act, or in any of the Acts incorporated herewith, shall extend to authorize the said company to purchase, take, use, or otherwise interfere with any land, soil, tenements, or hereditaments, or any rights in respect thereof, belonging to Her Majesty in right of her Crown, or to interfere with, prejudice, or in any manner affect any forestal or other rights belonging to Her Majesty, without the consent in writing of the Commissioners for the time being of Her Majesty's Woods, Forests, and Land Revenues, or one of them, first had and obtained for that purpose, (and which such commissioners or commissioner are and is hereby authorized and empowered to give,) or to divest, prejudice, diminish, alter, or take away any of the estates, rights, privileges, powers, or

authorities which now are or hereafter may be vested in or enjoyed by Her Majesty, her heirs or successors. A.D. 1869.

34. Nothing herein contained shall be deemed or construed to exempt the company from the provisions of any general Act relating to railways, or to the better and more impartial audit of the accounts of railway companies, now in force, or which may hereafter pass during this or any future session of Parliament, or from any future revision and alteration, under the authority of Parliament, of the maximum tolls, dues, and charges authorized to be taken by the company.

Company not exempt from provisions of present and future general Acts.

35. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the company.

Expenses of Act.

A.D. 1869.

SCHEDULE referred to in section 26, paragraph (7).

RATES OF TONNAGE.

For all coal the produce of the Forest (except the coal called High Delf raised on the south-west side of Cannop Brook), for the use of the existing tramways of the company, for the entire distance conveyed thereon, one shilling and threepence per ton.

For the coal called High Delf (excepted as above) so conveyed, sevenpence halfpenny per ton.

RATES OF WHARFAGE.

For all coal aforesaid not remaining upon the wharfs of the company for a longer space of time than six days, one penny per ton.

For more than six days but not exceeding the space of one month, threepence per ton.

For ten days beyond one month, one penny per ton for such ten days.

For every further day, one penny per ton.